

RESOLUTIONS

PROPOSED CONSTITUTIONAL AMENDMENT—COMMITMENT OF PERSONS OF UNSOUND MIND

H. J. R. No. 11

Proposing an amendment to Article I of the Constitution of the State of Texas by adding thereto another section, to be designated as Section 15-a, requiring medical or psychiatric testimony for commitment of persons of unsound mind, and authorizing the Legislature to provide for trial and commitment of such persons and for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article I of the Constitution of the State of Texas be and the same is hereby amended by adding another section thereto following Section 15, to be designated Section 15-a, to read as follows:

"Section 15-a. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1956, at which election all ballots shall have printed thereon:

"FOR the Constitutional Amendment requiring medical testimony for commitment of persons of unsound mind, and authorizing the Legislature to provide for trial and commitment of such persons and for waiver of the right of trial by jury by a person alleged to be of unsound mind or his next of kin, and his attorney ad litem.

"AGAINST the Constitutional Amendment requiring medical testimony for commitment of persons of unsound mind, and authorizing the Legislature to provide for trial and commitment of such persons and for waiver of the right of trial by jury by a person alleged to be of unsound mind or his next of kin, and his attorney ad litem."

Each voter shall scratch out one of said clauses on the ballot, leaving the one expressing his vote on the proposed amendment. In counties or other subdivisions using voting machines the above provision for voting for and against this Constitutional Amendment shall be placed on said machines in such manner that each voter shall vote on the machine for or against the Constitutional Amendment.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State.

Adopted by the House March 15, 1955: Yeas 124, Nays 23, 1 present not voting; House concurred in Senate amendments, June 7, 1955: Yeas 119, Nays 7; passed the Senate, as amended, June 6, 1955: Yeas 22, Nays 5.

Approved and filed June 22, 1955.